



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: WILBUER ET AL.)
SERIAL NUMBER: 09/856,814) Group Art Unit:
FILED: August 13, 2001) 1773
FOR: COATING CONSISTING OF A)
SYNTHETIC FILM, PROCESS AND)
DEVICE FOR PRODUCING THE SAME)
Before the Examiner:
Kevin M. Bernatz

**STATEMENT FOR PETITION FOR REVIVAL UNDER 37 C.F.R. §1.137(a), OR
IN THE ALTERNATIVE UNDER 37 C.F.R §1.137(b)**

Cantor Colburn LLP, outside counsel for the Applicants, respectfully petitions for revival of the above-identified application under 37 C.F.R. §1.137(a). The application went abandoned due to the failure to timely file a proper response to the Final Office Action dated November 5, 2004 (hereinafter Final Office Action) prepared by Examiner Uhler. The entire delay from the due date of the Final Office Action until the filing of this petition was unavoidable.

A Final Office Action in the case was mailed on November 5, 2004. In response to the Final Office Action, Cantor Colburn LLP mailed a Request for Continued Examination on April 5, 2005, five months after the mailing of the Final Office Action, and one month prior to the 6-month abandonment date. Due to a clerical error, the submission in compliance with 37 C.F.R. 1.114 was not filed with the Request for Continued Examination.

Although the U.S. PTO had a full month to notify Cantor Colburn LLP of the missing submission in compliance with 37 C.F.R. 1.114, Applicants were not notified until June 2005 in a phone call from Examiner Bernatz to patent agent Karen LeCuyer of Cantor Colburn LLP. Mrs. LeCuyer was notified that the case had changed Examiners from Examiner Uhler to Examiner Bernatz. Ms. LeCuyer was also informed that submission in compliance with 37 C.F.R. 1.114 was not filed with the Request for

Continued Examination. Examiner Bernatz informed Ms. LeCuyer that he believed that the U.S. PTO should issue a one-month action to correct the defective RCE, but because the application was abandoned, no such action could be taken.

A Notice of Abandonment and Notice of Improper Request for Continued Examination were mailed on June 7, 2005. Upon receipt of the Notice of Abandonment, the Amendment to be filed with the RCE was located and this petition was drafted. Cantor Colburn LLP respectfully contends that if it had received the Notice of Improper Request for Continued Examination in a timely manner, the application would not have gone abandoned. The U.S. PTO had a full month to respond with a Notice of Improper Request for Continued Examination upon receipt of the Request for Continued Examination. Therefore, the entire delay from the due date for the Office Action until the filing of this petition was unavoidable.

Considering that Cantor Colburn LLP was not aware of the Notice of Improper Request for Continued Examination until Examiner Bernatz's telephone call informing us that the case was abandoned, the entire delay in filing the required reply from the due date for the Final Office Action until the filing of a grantable petition under 37 C.F.R. §1.137(a) was unavoidable. Granting of the Petition to Revive is respectfully requested.

Please charge the petition fee of \$250.00 to Deposit Account No. 06-1130.

If the entire delay from the due date for the Office Action until the filing of this petition is not found to be unavoidable, Applicants alternatively petition under 37 C.F.R. §1.137(b) that the entire delay from the due date of the Office Action until the filing of a grantable petition was unintentional. A response to the outstanding office action is included herewith. If a petition under 37 C.F.R. §1.137(b) is to be considered, please charge the petition fee of \$750.00 to Deposit Account No. 06-1130.

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If there are any additional charges with respect to this Petition or otherwise please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
CANTOR COLBURN LLP

By Karen A. LeCuyer

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Date: June 21, 2005
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